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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BENSON et al.

Application No.: 09/679,948

Filed: November 4, 2000

For: System and Method for Manipulating
Digital Images

Examiner: Good Johnson, Motilewa

Art Unit: 2672

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1-15-03

RESPONSE TO OFFICE ACTION

I certify that this document was sent by fax

to USPTO at 703-872-9314 on January 15, 2003

Bao Tran

Assistant Commissioner for Patents
Washington, D.C. 20231

Sirs:

The Office Action mailed December 19, 2002 rejected claim 16 as being substantial duplicate of claim 21. Further, claims 1-45 were rejected as anticipated by Bowman-Amuah (USPN 6,477,580). Applicants respectfully traverse the rejections and respectfully submit that all claims are in condition for allowance.

The Double Patenting Rejection

Claim 21 has been amended to depend from claim 19. Applicants submit that the double patenting rejection has been overcome. Withdrawal of the rejection is respectfully requested.

The §102 Rejection

Claims 1-45 were rejected as anticipated by Bowman-Amuah (USPN 6,477,580). Claim 1 recites "A method for manipulating a digital image comprising: identifying an image for processing at a local client computer; sending the image to a remote server; manipulating either locally or remotely parameters associated with the image without modifying the image itself; and synchronizing the local client computer and the remote server including updating metadata for

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one of the local client computer and the remote server using metadata of the other." The claim recite specifically that it is a method for manipulating a digital image and for synchronizing parameters associated with changes to the digital image.

Per MPEP Section 706.02, for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Here, Bowman-Amuah cannot manipulate digital images as claimed. Bowman-Amuah uses images as representations (icons) to depict data, "place or thing". Bowman-Amuah cannot manipulate these icons. In comparison, the claimed invention allows users to modify images, and the modifications are stored as metadata to allow synchronization between a server and a client computer.

Although Bowman tangentially discusses that various mark-up language support documents with text and images, Bowman does not show each and every operation of the claimed method of manipulating a digital image by: identifying an image for processing at a local client computer; sending the image to a remote server; manipulating either locally or remotely parameters associated with the image without modifying the image itself; and synchronizing the local client computer and the remote server including updating metadata for one of the local client computer and the remote server using metadata of the other.

Bowman-Amuah relates to a system for providing a self-describing stream-based communication system. Messages are sent which include data between a sending system and a receiving system. Meta-data is attached to the messages being sent between the sending system and the receiving system. The data of the messages sent from the sending system to the receiving system is translated based on the meta-data which includes a first section that identifies a type of object associated with the data and a number of attribute descriptors in the data and a second section that includes a series of the attribute descriptors defining elements of the data.

In rejecting the claims as anticipated by Bowman-Amuah, the office action noted that:

As per independent claim 1, a method for manipulating a digital image comprising: identifying an image for processing at a local client computer; Bowman-Amuah discloses an image map, col. 45, lines 65-67; sending the image to a remote server; manipulating either locally or remotely parameters ... without modifying the image itself; Bowman-Amuah discloses access services which allow a user to retrieve data from a database and manipulate the data in a client-server environment, col. 51, lines 60-67; and synchronizing the local client computer and remote server ... Bowman-Amuah discloses sending messages between a sending system and a receiving system and attaching meta-data to the message. Bowman-Amuah further discloses the data include identifiers for a type of object, attribute descriptors, and metadata interpretations, col. 2, lines 19-43.

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Turning now to the rejection, the office action points to an image map at Col. 45, lines 65-67, which discloses "Image Map is also similar to the hypertext menu above, but selections are represented as a series of pictures. A further evolution of the image map menu is to display an image depicting some place or thing (e.g., a picture of a bank branch with tellers and loan officers)." However, this is not the claimed "identifying an image for processing at a local client computer." Here, Bowman-Amuah simply shows that a picture can be used as a selection icon. However, the use of image map for selection is relatively limited to a few preselected images that have been converted and processed as image maps.

In contrast, with embodiments of the invention, for example, a user can manipulate a digital camera, take one or more pictures, then upload the pictures to the client computer. As claimed, virtually any number of images on a local client computer can be identified for processing without the pre-processing required of the image maps. Hence, at least the first element is missing from Bowman-Amuah and the Section 102 rejection is inappropriate.

Next, another independent basis for traversing the Section 102 rejection is discussed. In determining that Bowman teaches "sending the image to a remote server; manipulating either locally or remotely parameters ... without modifying the image itself", the rejection cites to Bowman-Amuah as disclosing access services which allow a user to retrieve data from a database and manipulate the data in a client-server environment, col. 51, lines 60-67. The cited section is reproduced below:

Access Services enable an application to retrieve data from a database as well as manipulate (insert, update, delete) data in a database. SQL is the primary approach for accessing records in today's database management systems.

Client-server systems often require data access from multiple databases offered by different vendors. This is often due to integration of new systems with existing legacy systems.

The cited section is absolutely silent on the claimed "sending the image to a remote server; manipulating either locally or remotely parameters associated with the image without modifying the image itself." The cited section merely discusses the operation as related to a database. As discussed in the specification, in one embodiment of the system:

If local processing is selected, then the client computer 104 executes image processing software 109 in order to manipulate and/or edit digital images (250). Thereafter, the user can perform one of a plurality of image and account manipulations as desired. First, a session is started in which user operations are tracked and metadata describing such operations is created (260). The metadata is recorded for later synchronization with the server 102. Thereafter, the user can optionally upload images

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(262), manipulate images (264), place orders (266), update account information (268) or execute other operations (270) as desired. Specification at page 13, lines 23-30.

Here, the parameters allow users to recreate images that have been manipulated and/or edited. The cited section shows no such image parameters and does not show the "sending the image to a remote server; manipulating either locally or remotely parameters associated with the image without modifying the image itself." This is at least another independent basis for traversing the Section 102 rejection of claims 1-45.

Finally, the office action noted that "Bowman-Amuah discloses sending messages between a sending system and a receiving system and attaching meta-data to the message. Bowman-Amuah further discloses the data include identifiers for a type of object, attribute descriptors, and metadata interpretations, col. 2, lines 19-43." The cited section, the Summary of the Invention, merely shows:

A system, method, and article of manufacture are described for providing a self-describing stream-based communication system. Messages are sent including data between a sending system and a receiving system. Meta-data is attached to the messages being sent between the sending system and the receiving system. The data of the messages sent from the sending system to the receiving system is translated based on the meta-data. The meta-data includes a first section that identifies a type of object associated with the data and a number of attribute descriptors in the data and a second section that includes a series of the attribute descriptors defining elements of the data.

In one embodiment of the present invention, the sending system and receiving system may each be equipped with logic for interpreting the meta-data of the messages. In an additional embodiment of the present invention, the elements may be defined in terms of size, type, and name.

In another embodiment of the present invention, one of the systems may be an object-based system and one of the systems may be a non-object-based system. In a further embodiment of the present invention, both of the systems may be object-based systems. In even yet another embodiment of the present invention, both of the systems may be non-object-based systems.

Although metadata is mentioned, Bowman-Amuah does not show the specifics of "synchronizing the local client computer and the remote server including updating metadata for one of the local client computer and the remote server using metadata of the other."

Here, exemplary operations in one embodiment of the synchronizing operation as disclosed in the instant application are reproduced below:

Synchronization is performed between the client computer 104 and server computer 102 to ensure a seamless experience for the user. No matter where data is manipulated, whether account, order or image data, either locally or remotely, a synchronization process is executed to allow both remote and local processes to be current.

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As described above, synchronization occurs each time a connection to the user's account at the online photofinisher's website is made. State information of the user account is updated on the user computer and on the web. The state information can include image transfers or upload, the transfer of the image file name, image processing information, image archival information, annotation and back printing information, UI state information, personal template, order information. In one implementation, any input information on the user's computer will be automatically uploaded to the user account on the web without requiring the user to log onto the website. Specification at page 14.

The cited section of Bowman-Amuah merely shows transmission of metadata. However, it does not show the specifics of independent claim 1 with respect to the synchronizing operation. Hence, this is yet another independent basis for traversing the Section 102 rejection, which requires EACH and EVERY ELEMENT of the claim be present.

The dependent claims are allowable since they depend from allowable independent claims. Moreover, they are allowable since Bowman-Amuah does not show the specifics as recited in the dependent claims.

In sum, since Bowman-Amuah does not show the claimed elements recited in claim 1, Applicants submit that neither can render obvious any of the independent claims. The dependent claims are allowable since they depend from allowable independent claims.

With respect to the remaining independent claim 43, Bowman does not show additional details of:

43. A method for distributing image editing, review and ordering functions among system resources in an image-processing system, the image-processing system including a local client computer and a remote server, the method comprising:

Determining if a session is open between the local client computer and the remote server;

Capturing, at the client computer when the session is closed, metadata describing any manipulations by the user of an image;

Capturing, at the remote server when the session is opened, metadata describing manipulations of the image by the user; and

Synchronizing the metadata captured at each of the local client computer and the remote server when the session is open.

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Similarly, Bowman-Amuah cannot anticipate claim 44 as it lacks details of image management, archival and printing as follows:

44. A method for distributing image editing, review and ordering functions among system resources in an image-processing system, the image-processing system including a local client computer and a remote server, the method comprising:

Dividing image management, archival, and printing functions among the local client computer and the remote server including performing image management at either of the local client computer and the remote server, and performing image archive and printing functions at the remote server; and

Synchronizing image management data between the local client computer and the remote server.

Additionally, Bowman-Amuah lacks the specifics claimed in claim 45:

45. An apparatus for manipulating a digital image comprising:

Client software for executing on a local client computer including instructions for identifying an original image for processing at the local client computer,

uploading the original image to a remote server,

receiving a user selection to locally or remotely process the original image;

if local processing is selected, locally manipulating parameters associated with the original image including storing, on the local client computer, metadata describing the manipulations without modifying the original image,

if remote processing is selected, opening a session with the remote server; and

Remote server software for executing on the remote server including instructions for

receiving the original image,

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manipulating parameters associated with the original image in accordance with instructions received from the local processor

storing metadata describing the manipulations without modifying the original image, and

at each session between the local client computer and the remote server, synchronizing the local client computer and the remote server including updating metadata for one of the local client computer and the remote server using metadata of the other.

CONCLUSION

Applicants respectfully submit that all claims are in condition for allowance. Withdrawal of the rejection is respectfully requested. If for any reason the Examiner believes that a telephone conference would in any way expedite prosecution of the subject application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,



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FROM:**Bao Tran**
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Fax 703-872-9314**RE:****09/679,948 Response to Office Action**